

**Assembly Bill No. 1165**

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Passed the Assembly    September 8, 1999

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*Chief Clerk of the Assembly*

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Passed the Senate    September 7, 1999

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 1999, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act to amend Section 27315 of, and to add Sections 2429, 4154, 4453.2, 31401.5, and 31405 to, the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1165, Florez. Farm labor vehicles: safety belts.

(1) Existing law requires the registration card for a vehicle to contain, on its face, the date issued, the name and residence address or business address of the owner and of the legal owner, if any, and certain vehicle identification information.

This bill, additionally, would require the vehicle registration card of every farm labor vehicle, as defined, to contain the words, "Farm Labor Vehicle," in conjunction with the vehicle identification information.

The bill would prohibit the department from issuing or renewing the registration of a farm labor vehicle unless the owner of the vehicle has provided the department with verification, as specified, that the farm labor vehicle inspection described below has been performed.

(2) Existing law prohibits any person from operating a motor vehicle, as defined, on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt.

This bill would expand the definition of "motor vehicle," for purposes of the safety belt provision, to include a farm labor vehicle, and would thereby impose a state-mandated local program by expanding the definition of a crime.

(3) Existing law requires the Department of the California Highway Patrol to adopt regulations designed to promote the safe operation of farm labor vehicles relating to vehicular design, equipment, passenger safety, and seating. The department is required to inspect every farm labor vehicle at least once annually to ascertain



whether its construction, design, and equipment comply with all provisions of law.

This bill would require the department to develop, by regulations, specifications for a specified display sticker to be displayed on every farm labor vehicle, and would require those regulations to require every owner or operator of a farm labor vehicle to request the scheduling of the specified inspection, for a farm labor vehicle that has a current inspection certificate, not later than 4 weeks prior to the expiration date of the certificate, and for initial inspections, not later than 3 business days prior to the requested inspection date. The bill would prohibit the owner or operator of a farm labor vehicle from operating that vehicle without the proper certification requirements.

The bill would require that, on or before May 1, 2000, every farm labor vehicle issued an inspection certificate, as specified, between October 1, 1998, and October 1, 1999, be equipped at each passenger position with a seat belt assembly conforming to specified federal regulations.

The bill would prohibit the department, on or after October 1, 1999, from issuing an initial inspection certificate, as specified, to any vehicle that is not equipped with the required seatbelt assembly at each passenger position.

The bill would require the owner of a farm labor vehicle to maintain all required seatbelt assemblies and seatbelt assembly anchorages in good working order for the use of passengers.

The bill would prohibit any person from operating a farm labor vehicle on a highway unless that person and all passengers are properly restrained by a seatbelt assembly that conforms to these provisions.

The bill would require the department to adopt regulations to implement these provisions.

Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.



The bill would require the department to develop an “800” telephone number system to facilitate public reporting of violations of specified provisions relating to farm labor vehicles, and to publicize the number, as specified.

(4) The bill also would require the department to prepare and submit to the Legislature on specified dates reports that evaluate the implementation of this bill and the effectiveness of its provisions in improving the safety of farm labor vehicles.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(6) The bill would appropriate \$1,750,000 from the Motor Vehicle Account in the State Transportation Fund to the Department of the California Highway Patrol for the purpose of increasing the number of special California Highway Patrol officers charged with enforcing laws prohibiting illegal transportation of agricultural workers, including enforcement of the requirement that farm labor vehicles be equipped with safety belts.

(7) The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2429 is added to the Vehicle Code, to read:

2429. The department shall develop an “800” telephone number system to facilitate public reporting of violations of Article 2 (commencing with Section 31400) of Chapter 5 of Division 13. The department shall include in the department’s “El Protector Program” public outreach activities that publicize the “800” telephone number system.



SEC. 1.5. Section 4154 is added to the Vehicle Code, to read:

4154. The department may not issue or renew the registration of a farm labor vehicle unless the owner of the vehicle provides verification to the department that the inspection required by Section 31401 has been performed. For these purposes, the department shall determine what constitutes appropriate verification.

SEC. 2. Section 4453.2 is added to the Vehicle Code, to read:

4453.2. In addition to the information required under Section 4453, the registration card of every farm labor vehicle shall contain the words, "Farm Labor Vehicle," in conjunction with the vehicle identification information.

SEC. 3. Section 27315 of the Vehicle Code is amended to read:

27315. (a) The Legislature finds that a mandatory seatbelt law will contribute to reducing highway deaths and injuries by encouraging greater usage of existing manual seatbelts, that automatic crash protection systems which require no action by vehicle occupants offer the best hope of reducing deaths and injuries, and that encouraging the use of manual safety belts is only a partial remedy for addressing this major cause of death and injury. The Legislature declares that the enactment of this section is intended to be compatible with support for federal safety standards requiring automatic crash protection systems and should not be used in any manner to rescind federal requirements for installation of automatic restraints in new cars.

(b) This section shall be known and may be cited as the Motor Vehicle Safety Act.

(c) (1) As used in this section, "motor vehicle" means any passenger vehicle or any motortruck or truck tractor, but does not include a motorcycle.

(2) Until May 1, 2000, for purposes of this section, a "motor vehicle" also means any farm labor vehicle that was first issued an inspection certificate under Section 31401 on or after October 1, 1999.



(3) On and after May 1, 2000, for purposes of this section, a “motor vehicle” also means any farm labor vehicle, regardless of date of certification under Section 31401.

(d) (1) No person shall operate a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt. This paragraph does not apply to the operator of a taxicab, as defined in Section 27908, when the taxicab is driven on a city street and is engaged in the transportation of a fare-paying passenger. The safety belt requirement established by this paragraph is the minimum safety standard applicable to employees being transported in a motor vehicle. This paragraph does not preempt any more stringent or restrictive standards imposed by the Labor Code or any other state or federal regulation regarding the transportation of employees in a motor vehicle.

(2) The operator of a limousine for hire or the operator of an authorized emergency vehicle, as defined in subdivision (a) of Section 165, shall not operate the limousine for hire or authorized emergency vehicle unless the operator and any passengers four years of age or over and weighing 40 pounds or more, in the front seat are properly restrained by a safety belt.

(3) The operator of a taxicab shall not operate the taxicab unless any passengers four years of age or over and weighing 40 pounds or more, in the front seat are properly restrained by a safety belt.

(e) No person 16 years of age or over shall be a passenger in a motor vehicle on a highway unless that person is properly restrained by a safety belt. This subdivision does not apply to a passenger in a sleeper berth, as defined in subdivision (v) of Section 1201 of Title 13 of the California Code of Regulations.

(f) Every owner of a motor vehicle, including every owner or operator of a taxicab, as defined in Section 27908, or a limousine for hire, operated on a highway shall maintain safety belts in good working order for the use of occupants of the vehicle. The safety belts shall conform



to motor vehicle safety standards established by the United States Department of Transportation. This subdivision does not, however, require installation or maintenance of safety belts where not required by the laws of the United States applicable to the vehicle at the time of its initial sale.

(g) This section does not apply to a passenger or operator with a physically disabling condition or medical condition which would prevent appropriate restraint in a safety belt, if the condition is duly certified by a licensed physician and surgeon or by a licensed chiropractor who shall state the nature of the condition, as well as the reason the restraint is inappropriate. This section also does not apply to a public employee, when in an authorized emergency vehicle as defined in paragraph (1) of subdivision (b) of Section 165, or to any passenger in any seat behind the front seat of an authorized emergency vehicle as defined in paragraph (1) of subdivision (b) of Section 165 operated by the public employee, unless required by the agency employing the public employee.

(h) Notwithstanding subdivision (a) of Section 42001, any violation of subdivision (d), (e), or (f) is an infraction punishable by a fine, including all penalty assessments and court costs imposed on the convicted person, of not more than twenty dollars (\$20) for a first offense, and a fine, including all penalty assessments and court costs imposed on the convicted person, of not more than fifty dollars (\$50) for each subsequent offense. In lieu of the fine and any penalty assessment or court costs, the court, pursuant to Section 42005, may order that a person convicted of a first offense attend a school for traffic violators or a driving school in which the proper use of safety belts is demonstrated.

(i) For any violation of subdivision (d), (e), or (f), in addition to the fines provided for pursuant to subdivision (h) and the penalty assessments provided for pursuant to Section 1464 of the Penal Code, an additional penalty assessment of two dollars (\$2) shall be levied for any first offense, and an additional penalty assessment of five dollars (\$5) shall be levied for any subsequent offense.



All moneys collected pursuant to this subdivision shall be utilized in accordance with Section 1464 of the Penal Code.

(j) In any civil action, a violation of subdivision (d), (e), or (f) or information of a violation of subdivision (h) shall not establish negligence as a matter of law or negligence per se for comparative fault purposes, but negligence may be proven as a fact without regard to the violation.

(k) If the United States Secretary of Transportation fails to adopt safety standards for manual safety belt systems by September 1, 1989, no motor vehicle manufactured after that date for sale or sold in this state shall be registered unless it contains a manual safety belt system which meets the performance standards applicable to automatic crash protection devices adopted by the Secretary of Transportation pursuant to Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208) as in effect on January 1, 1985.

(l) Each motor vehicle offered for original sale in this state which has been manufactured on or after September 1, 1989, shall comply with the automatic restraint requirements of Section S4.1.2.1 of Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208), as published in Volume 49 of the Federal Register, No. 138, page 29009. Any automobile manufacturer who sells or delivers a motor vehicle subject to the requirements of this subdivision, and fails to comply with this subdivision, shall be punished by a fine of not more than five hundred dollars (\$500) for each sale or delivery of a noncomplying motor vehicle.

(m) Compliance with subdivision (k) or (l) by a manufacturer shall be made by self-certification in the same manner as self-certification is accomplished under federal law.

(n) This section does not apply to a person actually engaged in delivery of newspapers to customers along the person's route if the person is properly restrained by a safety belt prior to commencing and subsequent to completing delivery on the route.





(o) This section does not apply to a person actually engaged in collection and delivery activities as a rural delivery carrier for the United States Postal Service if the person is properly restrained by a safety belt prior to stopping at the first box and subsequent to stopping at the last box on the route.

(p) This section does not apply to a driver actually engaged in the collection of solid waste or recyclable materials along that driver's collection route if the driver is properly restrained by a safety belt prior to commencing and subsequent to completing the collection route.

(q) Subdivisions (d), (e), (f), (g), and (h) shall become inoperative immediately upon the date that the United States Secretary of Transportation, or his or her delegate, determines to rescind the portion of the Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. 571.208) which requires the installation of automatic restraints in new motor vehicles, except that those subdivisions shall not become inoperative if the secretary's decision to rescind that Standard No. 208 is not based, in any respect, on the enactment or continued operation of those subdivisions.

SEC. 4. Section 31401.5 is added to the Vehicle Code, to read:

31401.5. (a) The department shall develop, by regulation, specifications for a display sticker that shall be clearly displayed on every farm labor vehicle. This display sticker shall list the inspection certification date pursuant to this section and the "800" telephone reporting system required by Section 2429.

(b) The regulations of the department shall require every owner or operator of a farm labor vehicle to request the scheduling of the inspection required under subdivision (b) of Section 31401 as follows:

(1) The owner or operator of a farm labor vehicle that has a current inspection certificate pursuant to Section 31401 shall make the request for inspection not later than four weeks prior to the expiration date of the certificate.



(2) The owner or operator of a farm labor vehicle required to have its initial inspection shall make the request for inspection not later than three business days prior to the requested date.

(c) In no event shall the owner or operator of a farm labor vehicle allow the operation of a farm labor vehicle without the proper certification requirements specified under Section 31401.

SEC. 5. Section 31405 is added to the Vehicle Code, to read:

31405. (a) On or before May 1, 2000, every farm labor vehicle issued an inspection certificate under Section 31401 between October 1, 1998, and October 1, 1999, shall be equipped at each passenger position with a Type 1 or Type 2 seatbelt assembly, conforming to the specifications set forth in Section 571.209 of Title 49 of the Code of Federal Regulations, that is anchored to the vehicle in a manner that conforms to the specifications of Section 571.210 of Title 49 of the Code of Federal Regulations.

(b) On or after October 1, 1999, the department may not issue an initial inspection certificate under Section 31401 to any vehicle that is not equipped with a seatbelt assembly at each passenger position, as described in subdivision (a).

(c) The owner of a farm labor vehicle shall maintain all seatbelt assemblies and seatbelt assembly anchorages required under this section in good working order for the use of passengers.

(d) No person may operate a farm labor vehicle on a highway unless that person and all passengers are properly restrained by a seatbelt assembly that conforms to this section.

(e) The department shall adopt regulations to implement this section.

SEC. 6. The Department of the California Highway Patrol shall prepare and submit to the Legislature reports on July 1, 2000, January 1, 2001, and January 1, 2002, that evaluate the implementation of Sections 1 to 4, inclusive,



of this bill and the effectiveness of its provisions in improving the safety of farm labor vehicles.

SEC. 7. The sum of one million seven hundred fifty thousand dollars (\$1,750,000) is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the Department the California Highway Patrol for the purpose of increasing the number of special California Highway Patrol officers charged with enforcing laws prohibiting illegal transportation of agricultural workers, including, but not limited to, enforcing the requirement under Section 27315 of the Vehicle Code that farm labor vehicles, as defined in Section 322 of the Vehicle Code, be equipped with safety belts.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide, at the earliest possible time, for the safety of persons transported in farm labor vehicles, it is necessary that this act take effect immediately.

Approved \_\_\_\_\_, 1999

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*Governor*

